

Please return to LRB when you have completed review

State of Wisconsin
2005 - 2006 LEGISLATURE

Soon

LRB-0952/P1

BEM:cjs:pg

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

stays

Excellent job Chris! BH

INSERTS

Revisors bill -
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- 1 AN ACT...; relating to: repealing, consolidating, renumbering, amending and
2 revising various provisions of the statutes for the purpose of correcting errors,
3 supplying omissions, correcting, and clarifying references, and eliminating
4 defects, anachronisms, conflicts, ambiguities, and obsolete provisions
5 (Revisor's Revision Bill).

Analysis by the Legislative Reference Bureau

This revisor's revision bill is explained in the NOTES provided by the revisor of statutes in the body of the bill. The overall purpose of this bill is to improve readability, add clarity, and conform existing statutes with current drafting style. In accordance with a change in drafting style, commas before the last item in a series are added throughout this bill. "Which" is replaced by "that" where grammatically correct. This bill is not intended to make any substantive changes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

***NOTE: See my changes in analysis. CJS

NOTE: This bill is not intended to make any substantive changes.

- 6 SECTION 1. 5.15 (1) (a) of the statutes is renumbered 5.15 (1) (a) 1. and amended
7 to read:

9 ***NOTE: There are ~~some~~ some new 4-star notes in this draft. ~~granted~~ CJS

1 5.15 (1) (a) 1. Every city, village, and town in this state shall by its common
2 council or village or town board, respectively, be divided into wards as provided in
3 this section, except as authorized in sub. (2). The boundaries of the wards
4 established under this section, and the number assigned to each ward, are intended
5 to be as permanent as possible, and to this end each ward shall when created contain
6 a population at a convenient point within the applicable population range under sub.
7 (2) (b), with due consideration for the known trends of population increase or
8 decrease within that part of the municipality in which the ward is located.

****NOTE: See my change with respect to what number this statute is renumbered
to. OK? CJS

9 2. Once established, the boundaries of each ward shall remain unchanged until
10 a further decennial federal census of population indicates that the population of a
11 ward is then above or below the applicable population range or until the ward
12 boundaries are required to be changed to permit creation of supervisory or
13 aldermanic districts of substantially equal population or to enhance the
14 participation of members of a racial or language minority group in the political
15 process and their ability to elect representatives of their choice.

****NOTE: See reversal of proposed change, made by JTK. JTK explains:
"Currently, ward boundaries are not changed in mid-decade to enhance minority
participation. The current language is unclear on this point. The breakout makes it even
less clear. I would leave it alone for now."

16 3. If the population of a ward has increased above the maximum of its
17 population range or if the population of a ward must be decreased for a reason
18 specified in ~~this paragraph~~ subd. 2., the ward shall be divided into 2 or more wards
19 in compliance with sub. (2) (b). If the population of a ward has decreased below the
20 minimum of its population range or if the population of a ward must be increased for
21 a reason specified in ~~this paragraph~~ subd. 2., the ward shall, if possible, be combined

1 with an adjoining ward, or the underpopulated ward and one adjoining ward shall
2 be combined and together subdivided into 2 or more wards in compliance with sub.
3 (2).

NOTE: Divides long sentence to correct sentence agreement and subdivides long provision for improved readability and conformity with current style.

4 **SECTION 2.** 5.58 (intro.) (except 5.58 (title)) of the statutes is renumbered 5.58
5 (1a) and amended to read:

6 5.58 **Spring primary ballots.** (1a) ~~GENERALLY~~. At spring primary elections
7 the following ballots, when necessary, shall be provided for each ward, except as
8 authorized in s. 5.655. Except as provided under sub. (2r), only nonpartisan
9 candidates nominated for office by nomination papers shall have their names placed
10 on the official spring primary ballot under the proper office designation, but the
11 ballots shall allow room for write-in candidates.

NOTE: Renumbers provision that is not an introductory paragraph according to current style. Adds a title for conformity with the remainder of the section.

****NOTE: Since this statute is being renumbered to no longer be an intro., the reference to "the following ballots" should be change to a numerical x-ref — e.g., something like "the ballots under subs. ... to ...". CJS

****NOTE: See my change to action phrase here and similar changes in several of the next 15 bill SECTIONS. CJS

12 **SECTION 3.** 5.58 (1) (title) of the statutes is renumbered 5.58 (1b) (title). ^{plain}

~~NOTE:~~ Note: See the next section of this bill.

****NOTE: I have added this bill SECTION as part of my technical corrections to bill SECTIONS 3 and 4 (as numbered in the rough draft). Do you want to add a revisor's note to this new SECTION? CJS

13 **SECTION 4.** 5.58 (1) (intro.) (except 5.58 (1) (title)) of the statutes is renumbered
14 5.58 (1b) (am).

NOTE: Renumbers provision that is not an introductory paragraph according to current style.

15 **SECTION 5.** 5.58 (1) (a) and (c) of the statutes are renumbered 5.58 (1b) (bm) and
16 (cm).

NOTE: Renumbers provisions to accommodate the renumbering of s. 5.58 (1) (intro.) by this bill.

**** NOTE: I removed the section title from the cited text. It is a technicality that I missed on the last version of draft. CJS

use
note:std

****NOTE: See my changes. OK? CJS

1 ~~SECTION 6.~~ 5.58 (2r) (intro.) (except 5.58 (2r) (title)) of the statutes is
2 renumbered 5.58 (2r) (am) and amended to read:

3 5.58 (2r) (am) Except as authorized in s. 5.655, there shall be a separate ballot
4 for each recognized political party filing a certification under s. 8.12 (1), listing the
5 names of all potential candidates of that party determined under s. 8.12 and
6 affording, in addition, an opportunity to the voter to nominate another potential
7 candidate by write-in vote or to vote for an uninstructed delegation to the party
8 convention. The order of ~~such~~ presidential candidates on the ballot shall be
9 determined by lot by or under the supervision of the board. Each voter shall be given
10 the ballots of all the parties participating in the presidential preference vote, but may
11 vote on one ballot only.

NOTE: Renumbers provision that is not an introductory paragraph according to
current style. Replaces a disfavored term and inserts a specific reference.

12 ~~SECTION 7.~~ 5.58 (2r) (a) of the statutes is renumbered 5.58 (2r) (bm).

NOTE: Renumbers provision to accommodate the renumbering of s. 5.58 (2r) (intro.)
by this bill.

13 ~~SECTION 8.~~ 5.60 (intro.) of the statutes is amended to read:

14 **5.60 Spring election ballots.** (intro.) At spring elections all of the following
15 ballots, when necessary, shall be provided for each ward, except as authorized in s.
16 5.655-;

NOTE: Conforms introductory provision to current style.

17 ~~SECTION 9.~~ 5.60 (1) (intro.) (except 5.60 (1) (title)) of the statutes is renumbered
18 5.60 (1) (ag) and amended to read:

19 5.60 (1) (ag) There shall be one separate ballot for state superintendent,
20 judicial officers, county executive, and county supervisor, except as authorized in s.
21 5.655. For county supervisor, the ballot shall be prepared in accordance with ss. 5.58

1 (2) and 59.10 (3). Arrangement of the names of candidates for county executive,
2 county supervisor, and municipal judge, if the judge is elected under s. 755.01 (4),
3 shall be determined by the county clerk or the executive director of the county board
4 of election commissioners determining ballot arrangement under s. 5.58 (1c), in the
5 manner prescribed in par. (b).

***NOTE: I scored in a serial comma. CJS

NOTE: Renumbers provision that is not an introductory provision according to current style.

6 **SECTION 10.** 5.60 (1) (a) of the statutes is renumbered 5.60 (1) (ar).

NOTE: Renumbers provision to accommodate the renumbering of s. 5.60 (1) (intro.) by this bill.

7 **SECTION 11.** 5.60 (3) (intro.) (except 5.60 (3) (title)) of the statutes is amended
8 to read:

9 5.60 (3) CITY. (intro.) Except as authorized in s. 5.655, there shall be a separate
10 ballot giving the names of all candidates for city offices, printed in the same form as
11 prescribed by the board under s. 7.08 (1) (a). City election ballots may vary in form
12 to conform to the law under which an election is held. subject to all of the following:

NOTE: Conforms introductory provision to current style.

***NOTE: JTK recommends a different approach:

SECTION 10. 5.60 (3) (intro.) (except 5.60 (3) (title)) of the statutes is renumbered 5.60 (3) (ag).

SECTION 11. 5.60 (3) (a) of the statutes is renumbered 5.60 (3) (am) and amended to read:

5.60 (3) (am) No party designation shall appear on the official ballot for city offices.

Note that the proposed revision and JTK's recommended approach differ substantively. CJS

13 **SECTION 12.** 5.60 (5) (intro.) (except 5.60 (5) (title)) of the statutes is renumbered
14 5.60 (5) (ag).

NOTE: Renumbers provision that is not an introductory provision according to current style.

15 **SECTION 13.** 5.60 (5) (a) of the statutes is renumbered 5.60 (5) (ar).

INS
5-6

Chris call mean this one. I don't see any real substantive difference in what JTK is doing, but I don't see any real reason to do this way. What am I missing? OH

NOTE: Renumbers provision to accommodate the renumbering of s. 5.60 (5) (intro.) by this bill.

1 **SECTION 14.** 5.62 (4) (intro.) of the statutes is renumbered 5.62 (4) (ag).

NOTE: Renumbers provision that is not an introductory provision according to current style.

2 **SECTION 15.** 5.62 (4) (a) of the statutes is renumbered 5.62 (4) (ar).

NOTE: Renumbers provision to accommodate the renumbering of s. 5.62 (4) (intro.) by this bill.

3 ~~****~~ NOTE: See my change to NOTE. CJS

4 **SECTION 16.** 5.64 (intro.) of the statutes is amended to read:

5 **5.64 General election ballots.** (intro.) At general elections all of the
6 following ballots, when necessary, shall be provided for each ward:

NOTE: Conforms introductory provision to current style.

7 **SECTION 17.** 5.64 (1) (intro.) (except 5.64 (1) (title)) of the statutes is renumbered
8 5.64 (1) (ag) and amended to read:

9 5.64 (1) (ag) Except as authorized in s. 5.655, there shall be a separate ballot
10 giving the names of all candidates for president and vice president and for statewide,
11 congressional, legislative, and county offices in the same form as prescribed by the
board under s. 7.08 (1) (a).

NOTE: Renumbers provision that is not an introductory provision according to current style.

12 **SECTION 18.** 5.64 (1) (a) of the statutes is renumbered 5.64 (1) (ar) 1. (intro.) and
13 amended to read:

14 5.64 (1) (ar) 1. (intro.) The ballot shall permit an elector to vote do any of the
15 following:

16 a. Vote a straight party ticket for president and vice president, whenever those
17 offices are contested, and for all statewide, congressional, legislative, and county
18 offices, ~~to vote~~.

19 b. Vote for individual candidates for each office ~~or to vote~~.

1 c. Vote for a person whose name does not appear on the ballot for any office.

2 2. When voting for governor and lieutenant governor, the ballot shall permit
3 an elector to vote only for the candidates on one ticket jointly or write in the names
4 of persons in both spaces.

NOTE: Renumbers provision to accommodate renumbering of s. 5.64 (1) (intro.) and
subdivides provision by placing list in tabular form.

****NOTE: See my change to NOTE. CJS

5 SECTION 19. 5.85 (2) of the statutes is renumbered 5.85 (2) (a) and amended to
6 read:

7 5.85 (2) (a) The election officials shall examine the ballots or record of votes cast
8 for write-in votes and shall count and tabulate the write-in votes. When an
9 electronic voting system is used in which ~~utilizes a ballot which is~~ ballots are
10 distributed to electors, before separating the remaining ballots from their respective
11 covering envelopes, the election officials shall examine the ballots for write-in votes.
12 When an elector has cast a write-in vote, the election officials shall compare the
13 write-in vote with the votes on the ballot to determine whether the write-in vote
14 results in an overvote for any office. In case of an overvote for any office, the election
15 officials shall make a true duplicate ballot of all votes on the ballot except for the
16 office ~~which~~ that is overvoted, by using an official ballot of that kind used by the
17 elector who voted the original ballot, and one of the marking devices so as to transfer
18 all votes of the elector except for the office overvoted, to an official ballot of that kind
19 used in the ward at that election. Unless election officials are selected under s. 7.30
20 (4) (c) without regard to party affiliation, the election officials shall consist in each
21 case of at least one election official of each of the 2 major political parties, whenever
22 officials of both parties are present.

****NOTE: See changes by JTK.

1 (b) Write-in votes shall be counted as provided in s. 7.50 (2) (d). The original
2 ballot upon which there is an overvote shall be clearly labeled "Overvoted Ballot" and
3 the duplicate ballot so produced under par. (a) shall be clearly labeled "Duplicate
4 Overvoted Ballot", ~~and each shall bear the same serial number which shall be placed~~
5 ~~thereon by the.~~ The election officials, shall place the same serial number on each
6 "Overvoted Ballot" and its corresponding "Duplicate Overvoted Ballot," commencing
7 with number "1" and continuing consecutively for each of the ballots ~~of that kind for~~
8 which a "Duplicate Overvoted Ballot" is produced in that ward or election district.
9 The election officials shall initial the "Duplicate Overvoted Ballot" ballots and shall
10 place them in the container for return of the ballots. The "Overvoted Ballot" ballots
11 and their envelopes ~~shall be placed in the "Original Ballots" envelope.~~

****NOTE: See my technical changes. CJS

12 (c) Ballots bearing write-in votes marked in the place designated ~~therefor and~~
13 for write-in votes, bearing the initials of an election official ~~and~~, not resulting in an
14 overvote, and otherwise complying with the election laws as to marking shall be
15 counted, tallied, and their votes recorded on a tally sheet provided by the municipal
16 clerk. Ballots and ballot envelopes shall be separated and all ballots except any
17 ~~which that~~ that are defective or overvoted shall be placed separately in the container for
18 return of the ballots, along with the ballots marked "Duplicate Overvoted Ballots",."

NOTE: Divides long sentence, subdivides long provision, and inserts specific references. Commas are added and periods are moved inside of quotes in conformity with current style.

****NOTE: See my technical changes. CJS

19 **SECTION 20. 6.03 (1) (a)** of the statutes is amended to read:

20 6.03 (1) (a) Any person who is incapable of understanding the objective of the
21 elective process or who is under guardianship pursuant to the order of a court under

ch. 880, except that when a person is under limited guardianship, the court may determine that the person is competent to exercise the right to vote;.

NOTE: Conforms punctuation to current style. Inserts “who is” for clarity.

SECTION 21. 6.22 (1) (b) 1. of the statutes is amended to read:

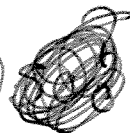
6.22 (1) (b) 1. Members of a uniformed service;.

NOTE: Conforms punctuation to current style.

SECTION 22. 6.875 (4) of the statutes is renumbered 6.875 (4) (a) and amended to read:

6.875 (4) (a) For the purpose of absentee voting in nursing homes and qualified retirement homes and qualified community-based residential facilities, the municipal clerk or board of election commissioners of each municipality in which one or more nursing homes or qualified retirement homes or qualified community-based residential facilities are located shall appoint at least 2 special voting deputies for the municipality. Upon application under s. 6.86 (1) or (2) by one or more qualified electors who are occupants of such a nursing home or qualified retirement home or qualified community-based residential facility, the municipal clerk or board of election commissioners of the municipality in which the home or facility is located shall dispatch 2 special voting deputies to visit the home or qualified community-based residential facility for the purpose of supervising absentee voting procedure by occupants of the home or qualified community-based residential facility. The 2 deputies designated to visit each nursing home or qualified retirement home and qualified community-based residential facility shall be affiliated with different political parties whenever deputies representing different parties are available.

****NOTE: See change by JTK. JTK also notes that the word “such”, which is struck at page 8, line 16, of the rough draft “refers to the language on lines 11-13.”



(b) Nominations for the special voting deputy positions described in par. (a) may be submitted by the 2 recognized political parties whose candidates for governor or president received the greatest numbers of votes in the municipality at the most recent general election. The deputies shall be specially appointed to carry out the duties under ~~this section~~ par. (a) for the period specified in s. 7.30 (6) (a). The clerk or board of election commissioners may revoke an appointment at any time. No individual who is employed or retained, or within the 2 years preceding appointment has been employed or retained, at a nursing home or qualified retirement home or qualified community-based residential facility in the municipality, or any member of the individual's immediate family ~~of such an individual~~, as defined in s. 19.42 (7), may be appointed to serve as a deputy.

NOTE: Subdivides long provision and inserts a specific reference.

***NOTE: See my change to NOTE. CJS

SECTION 23. 6.875 (6) of the statutes is renumbered 6.875 (6) (a) and amended to read:

6.875 (6) (a) Special voting deputies in each municipality shall, not later than 5 p.m. on the Friday preceding an election, arrange one or more convenient times with the administrator of each nursing home, qualified retirement home, and qualified community-based residential facility in the municipality from which one or more occupants have filed an application under s. 6.86 to conduct absentee voting for the election. The time may be no earlier than the 4th Monday preceding the election and no later than 5 p.m. on the Monday preceding the election. ~~Upon request of a relative of an occupant of a nursing home or qualified retirement home or qualified community-based residential facility, the administrator may notify the relative of the time or times at which special voting deputies will conduct absentee~~

1 ~~voting at the home or facility, and permit the relative to be present in the room where~~
2 ~~the voting is conducted.~~ At the designated time, 2 deputies appointed under sub. (4)
3 shall visit the home or facility.

4 (b) The municipal clerk or executive director of the board of election
5 commissioners shall issue a supply of absentee ballots to the deputies sufficient to
6 provide for the number of valid applications for an absentee ballot received by the
7 clerk, and a reasonable additional number of ballots. The municipal clerk or
8 executive director shall keep a careful record of all ballots issued to the deputies and
9 shall require the deputies to return every ballot issued to them. The

10 (c) 1. Upon their visit to the home or facility under par. (a), the deputies shall
11 personally offer each elector who has filed a proper application for an absentee ballot
12 the opportunity to cast his or her absentee ballot. If an elector is present who has
13 not filed a proper application for an absentee ballot, the 2 deputies may accept an
14 application from the elector and shall issue a ballot to the elector if the elector is
15 qualified and the application is proper. The deputies shall each witness the
16 certification and may, upon request of the elector, assist the elector in marking the
17 elector's ballot. All voting shall be conducted in the presence of the deputies. Upon
18 request of the elector, a relative of the elector who is present in the room may assist
19 the elector in marking the elector's ballot. ~~All voting shall be conducted in the~~
20 ~~presence of the deputies.~~ No individual other than a deputy may witness the
21 certification and no individual other than a deputy or relative of an elector may
22 render voting assistance to the elector.

23 (d) Upon completion of the voting, the deputies shall promptly deliver, either
24 personally or by 1st class mail, any absentee ballot applications and the sealed
25 certificate envelope containing each ballot to the clerk or board of election

commissioners of the municipality in which the elector casting the ballot resides, within such time as will permit delivery to the polling place serving the elector's residence on election day. Personal delivery may be made by the deputies no later than noon on election day.

(e) If a qualified elector is not able to cast his or her ballot on 2 separate visits by the deputies to the home or facility, ~~they~~ the deputies shall so inform the municipal clerk or executive director of the board of election commissioners, who may then send the ballot to the elector no later than 5 p.m. on the Friday preceding the election.

NOTE: Subdivides long provision, inserts specific references, and reorders text. See also the next section of this bill.

SECTION 24. 6.875 (6) (c) 2. of the statutes is created to read:

6.875 (6) (c) 2. Upon the request of a relative of an occupant of a nursing home or qualified retirement home or qualified community-based residential facility, the administrator of the home or facility may notify the relative of the time or times at which special voting deputies will conduct absentee voting at the home or facility, and permit the relative to be present in the room where the voting is conducted.

NOTE: Moves text within s. 6.875 (6) for more logical placement. See also the previous section of this bill.

SECTION 25. 7.25 (6) (c) of the statutes is amended to read:

7.25 (6) (c) After the inspection under par. (b), on the ~~blanks~~ forms furnished, ~~they~~ the election officials shall certify the condition of each voting machine and its counters. Each form shall be signed by each election official. After the election, one copy of each machine's certification shall be delivered with each copy of the election returns.

****NOTE: See change by JTK. JTK explains, "I know it's in par. (a), but it's not in par. (b). I would rather not repeat it because sometimes the officials serve more than one ward."

NOTE: Replaces disfavored term and inserts specific reference.

1 **SECTION 26.** 7.30 (4) (b) (intro.) of the statutes is amended to read:

2 7.30 (4) (b) (intro.) The 2 dominant parties, under sub. (2), are each responsible
3 for submitting a list of names from which the appointees shall be chosen: as follows:

NOTE: Conforms structure of introductory paragraph with current style.

4 **SECTION 27.** 7.30 (4) (b) 2. of the statutes is renumbered 7.30 (4) (b) 2. a. and
5 amended to read:

6 7.30 (4) (b) 2. a. In municipalities other than cities and villages located in
7 counties having a population of more than 500,000, the committees organized under
8 s. 8.17 from each of the 2 dominant parties under sub. (2) shall submit a list
9 containing at least as many names as there are needed appointees from that party.
10 The list shall be submitted by the chairperson of each of the 2 committees to the
11 mayor, president, or chairperson of the municipality. If committees are organized in
12 subdivisions of a city, the list shall be submitted through the chairperson of the city
13 committee. If there is no municipal committee, the list shall be submitted by the
14 chairperson of the county or legislative district committee. Except as provided in par.
15 (c), only those persons submitted by the chairperson of each committee under s. 8.17
16 may act as election officials. The chairperson may designate any individual whose
17 name is submitted as a first choice nominee. The list shall contain the signature of
18 the chairperson and secretary of the submitting committee.

19 b. In cities or villages located in counties having a population of more than
20 500,000, other than cities where there is a board of election commissioners, the
21 aldermanic district or village committeeman or committeewoman for the ward or
22 wards where each polling place is located, if there is one, shall submit a list
23 containing at least as many names as there are needed appointees for inspector
24 positions from the party represented by the committeeman or committeewoman. For

1 appointments of inspectors in cities and villages where there is no aldermanic
2 district or village committeeman or committeewoman, nominations shall proceed in
3 the same manner as in municipalities located in counties having a population of
4 500,000 or less. The list shall be submitted to the mayor or president. Except as
5 provided in par. (c), only those persons whose names are submitted as provided in
6 this paragraph may act as election officials. The committeeman or committeewoman
7 may designate any individual whose name is submitted as a first choice nominee.
8 The list shall contain the signature of the aldermanic district or village
9 committeeman or committeewoman or the chairperson of the appropriate
10 committee.

11 c. Upon submission of each nominee's name, the governing body shall appoint
12 each first choice nominee for so long as positions are available, unless
13 nonappointment is authorized under par. (e), and shall appoint other nominees in its
14 discretion. If any nominee is not appointed, the mayor, president, or chairperson of
15 the municipality shall immediately nominate another person from the appropriate
16 lists submitted and continue until the necessary number of election officials from
17 each party is achieved at that meeting.

NOTE: Subdivides long provision.

18 **SECTION 28.** 8.05 (1) (j) of the statutes is amended to read:

19 8.05 (1) (j) 1. The municipal clerk shall notify in writing each candidate whose
20 name is certified as a nominee under par. (h) of his or her nomination. If a municipal
21 judge is elected under s. 755.01 (4), the county clerk of the county having the largest
22 portion of the population in the jurisdiction served by the judge shall make the
23 notification.

***NOTE: See my technical changes. CJS

Chris: You need to
explain this one to
me sometime. I'm sure
Katch never let me do that.

1 2. Upon receipt of the notice, each candidate shall file a declaration of
2 candidacy in the manner prescribed by s. 8.21 with the municipal clerk making the
3 notification no later than 5 p.m. on the 5th day after the notification is mailed or
4 personally delivered to the candidate by the municipal clerk, except as authorized
5 in this paragraph. If an incumbent whose name is certified as a nominee fails to file
6 a declaration of candidacy within the time prescribed by this paragraph, each
7 certified candidate for the office held by the incumbent, other than the incumbent,
8 may file a declaration of candidacy no later than 72 hours after the latest time
9 prescribed in this paragraph. If the candidate has not filed a registration statement
10 under s. 11.05 at the time of the notification, the candidate shall file the statement
11 with the declaration.

12 3. A candidate for municipal judge shall also, in addition to making the filings
13 required under subd. 2., file a statement of economic interests with the ethics board
14 under s. 19.43 (4) no later than 4:30 p.m. on the 5th day after notification of
15 nomination is mailed or personally delivered to the candidate, or no later than
16 4:30 p.m. on the next business day after the last day for filing a declaration of
17 candidacy whenever that candidate is granted an extension of time for filing a
18 declaration of candidacy under ~~this paragraph~~ subd. 2.

19 4. Upon receipt of the declaration of candidacy and registration statement of
20 each qualified candidate, and upon filing of a statement of economic interests by each
21 candidate for municipal judge, the municipal clerk, or the county clerk if the judge
22 is elected under s. 755.01 (4), shall place the name of the candidate on the ballot. No
23 later than the end of the 3rd day following qualification by all candidates, the
24 municipal clerk, or the county clerk if the judge is elected under s. 755.01 (4), shall

1 draw lots to determine the arrangement of candidates' names on the spring election
2 ballot.

NOTE: Subdivides long provision and adds specific reference.

3 **SECTION 29.** 8.21 of the statutes is renumbered 8.21 (1) and amended to read:

4 8.21 (1) Each candidate, except a candidate for presidential elector under s.
5 8.20 (2) (d), shall file a declaration of candidacy, no later than the latest time provided
6 for filing nomination papers under s. 8.10 (2) (a), 8.15 (1), 8.20 (8) (a) or 8.50 (3) (a),
7 or the time provided under s. 8.16 (2) or 8.35 (2) (c). A candidate shall file the
8 declaration with the officer or agency with which nomination papers are filed for the
9 office ~~which~~ that the candidate seeks, or if nomination papers are not required, with
10 the clerk or board of election commissioners of the jurisdiction in which the candidate
11 seeks office.

****NOTE: See my technical change. CJS

12 (2) The declaration of candidacy shall be sworn to before any officer authorized
13 to administer oaths. The declaration shall contain the name of the candidate in the
14 form specified under s. 8.10 (2) (b) for candidates for nonpartisan office or s. 8.15 (5)
15 (a) or 8.20 (2) (a) for candidates for partisan office, and shall state ~~that~~ all of the
16 following:

****NOTE: See change by JTK. Also, several other instances of "declaration" in this
section should be adjusted in the same way as the instance in this subsection is adjusted
(i.e., the instances that appear in proposed subs. (3) (intro.) and (4) (intro.) and (5)
(intro.)). CJS

17 (a) That the signer is a candidate for a named office, ~~that he or she.~~

18 (b) That the signer meets, or will at the time he or she assumes office meet,
19 applicable age, citizenship, residency, or voting qualification requirements, if any,
20 prescribed by the constitutions and laws of the United States and of this state, ~~and~~
21 ~~that he or she.~~

1 (c) That the signer will otherwise qualify for office if nominated and elected.
 2 (3) The declaration shall include the candidate's name in the form in which it will appear
 3 on the ballot.

****NOTE: The last sentence in proposed par. (c) does not belong there. It should be a separate, self-standing subsection, in keeping with the way other material in this section has been organized. CJS

4 (4) Each candidate for state and local office shall include in the declaration a
 5 all of the following:

6 (a) A statement that ~~he or she~~ the candidate has not been convicted of any
 7 misdemeanor designated under state or federal law as a violation of the public trust
 8 or any felony for which ~~he or she~~ the candidate has not been pardoned. In addition,
 9 each candidate for state or local office shall include in the declaration a

10 (b) A statement that discloses ~~his or her~~ the candidate's municipality of
 11 residence for voting purposes, and the street and number, if any, on which the
 12 candidate resides.

13 (5) The declaration is valid with or without the seal of the officer who
 14 administers the oath.

15 (6) A candidate for state or local office shall file an amended declaration under
 16 oath with the same officer or agency if any information contained in the declaration
 17 changes at any time after the original declaration is filed and before the candidate
 18 assumes office or is defeated for election or nomination.

NOTE: Subdivides long provision and adds specific reference. Inserts specific references.

19 SECTION 30. 8.30 (1) (b) of the statutes is amended to read:
 20 8.30 (1) (b) If it conclusively appears, either on the face of the nomination
 21 papers offered for filing, or by admission of the candidate or otherwise, that the
 22 candidate is ineligible to be nominated or elected; or

INS
1

****NOTE: Why not adjust the intro. instead and get rid of the archaic semi-colons in the tabulated list? CJS

NOTE: Inserts missing word.

See inserts!

1 **SECTION 31.** 9.01 (1) (a) of the statutes is renumbered 9.01 (1) (a) 1. and
2 amended to read:

3 9.01 (1) (a) 1. Any candidate voted for at any election or any elector who voted
4 upon any referendum question at any election may request petition for a recount.
5 The petitioner shall file a verified petition or petitions with the proper clerk or body
6 under par. (ar) not earlier than the time of completion of the canvass and not later
7 than 5 p.m. on the 3rd business day following the last meeting day of the municipal
8 or county board of canvassers determining the election for that office or on that
9 referendum question or, if more than one board of canvassers makes the
10 determination, not later than 5 p.m. on the 3rd business day following the last
11 meeting day of the last board of canvassers which makes a determination. If the
12 chairperson of the board or chairperson's designee makes the determination for the
13 office or the referendum question, the petitioner shall file the petition not earlier
14 than the last meeting day of the last county board of canvassers to make a statement
15 in the election or referendum and not later than 5 p.m. on the 3rd business day
16 following the day on which the elections board receives the last statement from a
17 county board of canvassers for the election or referendum.

18 2. Each verified petition under subd. 1. shall state ~~that~~ all of the following:

19 a. That at the election the petitioner was a candidate for the office in question
20 or that ~~he or she~~ the petitioner voted on the referendum question in issue; ~~that~~.

21 b. That the petitioner is informed and believes that a mistake or fraud has been
22 committed in a specified ward or municipality in the counting and return of the votes
23 cast for the office or upon the question; or ~~shall specify any other~~ that another defect,

specified

1 irregularity, or illegality occurred in the conduct of the election, specifying the defect,
2 irregularity, or illegality ← period stays

****NOTE: The phrase "specifying the defect, irregularity, or illegality" is awkward because the word that it modifies — "petition", at line 18 in the rough draft — is so far away. Why not say "or that another *specified* defect, etc., occurred ..."? That would also be parallel to the usage in the first part of the sentence — "committed in a *specified* ward".
CJS

3 3. The petition under subd. 1. shall specify each ward, or each municipality
4 where no wards exist, in which a recount is desired. If a recount is requested for all
5 wards within a jurisdiction, each ward need not be specified.

6 4. The petition under subd. 1. may be amended to include information
7 discovered as a result of the investigation of the board of canvassers or the
8 chairperson of the board, or chairperson's designee, after the filing of the petition, if
9 the petitioner moves to amend the petition as soon as possible after the petitioner
10 ~~discovered~~ discovers, or reasonably should have discovered, the information ~~which~~
11 ~~that~~ is the subject of the amendment and if the petitioner was unable to include ~~the~~
12 information in the original petition.

NOTE: Subdivides long provision and adds specific references for improved readability. Corrects punctuation. Replaces "request" with "petition for" for internal consistency. Replaces "discovered" with "discovers" and "which" with "that" to correct grammar. Reorders text in subd. 2. b. to correct sentence agreement.

13 SECTION 32. 9.01 (1) (b) 3. of the statutes is amended to read:

14 9.01 (1) (b) 3. ~~They~~ The board of canvassers shall then examine the container
15 or bag containing the ballots to be certain it has not been tampered with, opened, or
16 opened and resealed. Any irregularities or possible tampering with the container or
17 bag shall be noted.

NOTE: Inserts specific reference.

18 SECTION 33. 9.01 (1) (b) 4. of the statutes is renumbered 9.01 (1) (b) 4. a. and
19 amended to read:

1 9.01 (1) (b) 4. a. When the container or bag has been checked, it shall be opened
2 and the contents removed. The board of canvassers shall, without examination other
3 than what is necessary to determine that each is a single ballot, count the number
4 of ballots ~~therein~~ in the container or bag, excluding ballots removed under s. 7.51 (2)
5 (e). ~~Then~~

6 b. The board of canvassers shall then, for each opened absentee ballot envelope
7 that was laid aside as defective under subd. 2., ~~the board of canvassers shall,~~ without
8 inspection, randomly draw one absentee ballot from the container or bag. In
9 differentiating absentee ballots from other ballots, the board of canvassers shall
10 presume that a ballot initialed only by the municipal clerk, the executive director of
11 the board of election commissioners, or a deputy clerk or secretary is an absentee
12 ballot. If there are more defective absentee ballot envelopes than there are probable
13 absentee ballots, all of the probable absentee ballots shall be removed from the
14 container or bag. Additional ballots shall be removed only if the number of remaining
15 ballots still exceeds the number of voting electors recorded under subd. 1., reduced
16 by the number of defective envelopes set aside under subd. 2. All ballots removed
17 shall not be counted, but shall be marked as to the reason for their removal, set aside
18 and carefully preserved. ↗

19 c. If after completing the steps set forth in subd. 4. b., the number of ballots still
20 exceeds the number of voters, the board of canvassers shall place all ballots face up
21 to check for blank ballots. Any blank ballots shall be so marked, set aside and
22 carefully preserved. ↗

23 d. If after completing the steps set forth in subd. 4. c., the number of ballots still
24 exceeds the number of voters reduced by the number of defective envelopes set aside
25 under subd. 2., the board of canvassers shall place all ballots face down to check the

1 initials. Any ballot not properly initialed by 2 inspectors or any absentee ballot not
2 properly initialed by the municipal clerk, the executive director of the board of
3 election commissioners, or a deputy clerk or secretary shall be temporarily set aside
4 and the board of canvassers shall, without inspection, randomly draw from these
5 ballots as many as are necessary to reduce the number of ballots to equal the number
6 of voters. Any ballots removed for lack of initials shall not be counted but shall be
7 marked, set aside and carefully preserved.

8 e. If after completing the steps set forth in subd. 4. d., the number of ballots still
9 exceeds the number of voters reduced by the number of defective envelopes set aside
10 under subd. 2., the remaining ballots shall be returned to the container or bag and
11 the board of canvassers shall draw a number of ballots equal to the excess number
12 of ballots by chance and without inspection from the container or bag. These ballots
13 shall not be counted but shall be marked as having been removed by the canvassers
14 on recount due to an excess number of ballots, set aside and carefully preserved.

****NOTE: I changed the x-ref in subdivision paragraph c., d., and e. CJS

NOTE: Subdivides long provision, reorganizes text, and inserts "then" for improved
readability and internal consistency within s. 9.01 (1) (b).

****NOTE: The bill does not "insert" the word "then". It moves it. CJS

15 **SECTION 34.** 9.01 (8) of the statutes is amended to read:

16 9.01 (8) (a) Unless the court finds a ground for setting aside or modifying the
17 determination of the board of canvassers or the chairperson of the board or
18 chairperson's designee, it shall affirm the determination.

19 (b) The court shall separately treat disputed issues of procedure,
20 interpretations of law, and findings of fact.

21 (c) The court may not receive evidence not offered to the board of canvassers
22 or the chairperson or chairperson's designee except for evidence that was

1 unavailable to a party exercising due diligence at the time of the recount or newly
2 discovered evidence that could not with due diligence have been obtained during the
3 recount, and except that the court may receive evidence not offered at an earlier time
4 because a party was not represented by counsel in all or part of a recount proceeding.
5 A party who fails to object or fails to offer evidence of a defect or irregularity during
6 the recount waives the right to object or offer evidence before the court except in the
7 case of evidence that was unavailable to a party exercising due diligence at the time
8 of the recount or newly discovered evidence that could not with due diligence have
9 been obtained during the recount or evidence received by the court due to
10 unavailability of counsel during the recount.

11 (d) The court shall set aside or modify the determination of the board of
12 canvassers or the chairperson of the board or chairperson's designee if it finds that
13 the board of canvassers or the chairperson or chairperson's designee has erroneously
14 interpreted a provision of law and a correct interpretation compels a particular
15 action. If the determination depends on any fact found by the board of canvassers
16 or the chairperson or chairperson's designee, the court may not substitute its
17 judgment for that of the board of canvassers or the chairperson or designee as to the
18 weight of the evidence on any disputed finding of fact. The court shall set aside the
19 determination if it finds that the determination depends on any finding of fact that
20 is not supported by substantial evidence.

****NOTE: See my technical changes (action phrase and first line of text). CJS

NOTE: Subdivides long provision and inserts specific reference.

21 **SECTION 35.** 10.51 (intro.) (except 10.51 (title)) of the statutes is renumbered
22 10.51 (1g).

NOTE: Section 10.51 (intro.) is not introductory to the subsections in s. 10.51, but contains discrete and separate subject matter, and is renumbered accordingly. See also the next section of this bill.

~~***NOTE: See my technical change. CJS~~

1 **SECTION 36.** 10.51 (1) of the statutes is renumbered 10.51 (1r) and amended to
2 read:

3 10.51 (1r) All the listings contained in this subchapter relate to other
4 provisions of the statutes ~~which~~ that are referred to in each paragraph of these
5 listings.

NOTE: Accommodates the renumbering of s. 10.51 (intro.) by the previous section of this bill.

6 **SECTION 37.** 10.53 (intro.) (except 10.53 (title)) of the statutes is renumbered
7 10.53 (1g) and amended to read:

8 10.53 (1g) In preparing each edition of the statutes for publication the revisor
9 shall, if the revisor finds that a conflict exists between the listings in ss. 10.62 to 10.82
10 and the substantive statutes to which ~~such~~ those sections refer, correct the listing in
11 this subchapter to properly reflect the intent of ~~said~~ the substantive statute or of the
12 act of the legislature on which the substantive statute is based.

~~***NOTE: See my technical change (action phrase). CJS~~

NOTE: Section 10.53 (intro.) is not introductory to the subsections in s. 10.53, but contains discrete and separate subject matter, and is renumbered accordingly. See also the next section of this bill. Replaces disfavored terms.

13 **SECTION 38.** 10.53 (1) of the statutes is renumbered 10.53 (1r) and amended to
14 read:

15 10.53 (1r) For any correction made by the revisor under the authority of this
16 section, the revisor shall prepare a note explaining the correction ~~and such note~~ that
17 shall be printed with the affected listing in this subchapter.

NOTE: Accommodates the renumbering of s. 10.53 (intro.) by the previous section of this bill. Replaces disfavored term.

~~***NOTE: I fixed the x-ref in the NOTE. CJS~~

1 **SECTION 39.** 10.62 (intro.) of the statutes is amended to read:

2 **10.62 Elections board; spring primary and election.** (intro.) The
3 following subsections set forth, in chronological order, dates relating to the spring
4 primary and election or occurrences during the spring period ~~which~~ that affect the
5 elections board.;

NOTE: Corrects punctuation.

6 **SECTION 40.** 10.64 (intro.) of the statutes is amended to read:

7 **10.64 County clerk; spring primary and election.** (intro.) The following
8 subsections set forth, in chronological order, dates relating to the spring primary and
9 election or occurrences during the spring period ~~which~~ that affect the county clerk.;

NOTE: Corrects punctuation.

10 **SECTION 41.** 10.66 (intro.) of the statutes is amended to read:

11 **10.66 Municipal clerk and governing body; spring primary and**
12 **election.** (intro.) The following subsections set forth, in chronological order, dates
13 relating to the spring primary and election occurrences during the spring primary
14 ~~which~~ that affect the municipal clerk and governing body.;

NOTE: Corrects punctuation.

15 **SECTION 42.** 10.68 (intro.) of the statutes is amended to read:

16 **10.68 Candidates; spring primary and election.** (intro.) The following
17 subsections set forth, in chronological order, dates relating to the spring primary and
18 election or occurrences during the spring period ~~which~~ that affect the candidates.;

NOTE: Corrects punctuation.

19 **SECTION 43.** 10.70 (intro.) of the statutes is amended to read:

20 **10.70 Public and general provisions; spring primary and election.**
21 (intro.) The following subsections set forth, in chronological order, dates relating to

1 the spring primary and election or occurrences during the spring period ~~which~~ that
2 affect the public.;

NOTE: Corrects punctuation.

3 **SECTION 44.** 10.72 (intro.) of the statutes is amended to read:

4 **10.72 Elections board; September primary and general election.**

5 (intro.) The following subsections set forth, in chronological order, dates relating to
6 the September primary and general election or occurrences during the fall period
7 ~~which~~ that affect the elections board.;

NOTE: Corrects punctuation.

8 **SECTION 45.** 10.74 (intro.) of the statutes is amended to read:

9 **10.74 County clerk; September primary and general election.** (intro.)

10 The following subsections set forth, in chronological order, dates relating to the
11 September primary and general election or occurrences during the fall period ~~which~~
12 that affect the county clerk.;

NOTE: Corrects punctuation.

13 **SECTION 46.** 10.76 (intro.) of the statutes is amended to read:

14 **10.76 Municipal clerk and governing body; September primary and**
15 **general election.** (intro.) The following subsections set forth, in chronological
16 order, dates relating to the September primary and general election or occurrences
17 during the fall period ~~which~~ that affect the municipal clerk and governing body.;

NOTE: Corrects punctuation.

18 **SECTION 47.** 10.78 (intro.) of the statutes is amended to read:

19 **10.78 Candidates; September primary and general election.** (intro.)

20 The following subsections set forth, in chronological order, dates relating to the
21 September primary and general election or occurrences during the fall period ~~which~~
22 that affect the candidates.;

NOTE: Corrects punctuation.

1 ~~SECTION 48.~~ 10.80 (intro.) of the statutes is amended to read:

2 **10.80 Public and general provisions; September primary and general**
3 **election.** (intro.) The following subsections set forth, in chronological order, dates
4 relating to the September primary and general election or occurrences during the fall
5 period ~~which~~ that affect the public;

NOTE: Corrects punctuation.

6 ~~SECTION 49.~~ 13.55 (1) (a) of the statutes is renumbered 13.55 (1) (a) 1. (intro.)
7 and amended to read:

8 13.55 (1) (a) 1. (intro.) There is created a 9–member commission on uniform
9 state laws to advise the legislature with regard to uniform laws and model laws.
10 Except as provided under par. (b), the commission shall consist of ~~the~~ all of the
11 following:

12 a. ~~The~~ director of the legislative council staff or a professional employee of the
13 legislative council staff designated by the director, ~~the~~.

14 b. ~~The~~ chief of the legislative reference bureau or a professional employee under
15 s. 13.92 (1) (b) designated by the chief, ~~the~~.

16 c. ~~The~~ revisor of statutes, ~~2~~.

17 d. ~~Two~~ senators and 2 representatives to the assembly from the 2 major political
18 parties appointed as are members of standing committees for 2–year terms, ~~and 2~~.

19 e. ~~Two~~ public members appointed by the governor for 4–year terms.

20 2. The terms of members appointed by the governor or by the legislature shall
21 expire on May 1 of an odd–numbered year. The members, other than the appointees
22 of the governor or of the legislature, may each designate an employee to represent
23 them at any meeting of the conference under sub. (3).

NOTE: Subdivides provision by placing list in tabular form.

1 ~~SECTION 50.~~ 13.93 (2) (j) of the statutes is amended to read:

2 13.93 (2) (j) In cooperation with the law revision committee, systematically
3 examine and identify for revision by the legislature the statutes and session laws to
4 eliminate defects, anachronisms, conflicts, ambiguities, and unconstitutional or
5 obsolete provisions. ~~The revisor shall complete the initial examination of the~~
6 ~~statutes within 10 years after July 1, 1980.~~ The revisor shall prepare and, at each
7 session of the legislature, present to the law revision committee bills that eliminate
8 such identified defects, anachronisms, conflicts, ambiguities, and unconstitutional
9 or obsolete provisions. These bills may include minor substantive changes in the
10 statutes and session laws necessary to accomplish such the purposes of this
11 paragraph. The revisor may resubmit to the law revision committee in subsequent
12 sessions of the legislature any bill prepared under this paragraph ~~which~~ that was not
13 enacted.

NOTE: Deletes obsolete direction. Inserts specific references. Corrects punctuation.

14 ~~SECTION 51.~~ 15.06 (2) (intro.) and (a) of the statutes are consolidated,
15 renumbered 15.06 (2) and amended to read:

16 15.06 (2) SELECTION OF OFFICERS. Each commission may annually elect officers
17 other than a chairperson from among its members as its work requires. Any officer
18 may be reappointed or reelected. At the time of making new nominations to
19 commissions, the governor shall designate a member or nominee of each commission
20 to serve as the commission's chairperson for a 2-year term expiring on March 1 of
21 the odd-numbered year except that: ~~(a) Commencing March 1, 1979, and thereafter,~~
22 the labor and industry review commission shall elect one of its members to serve as

1 the commission's chairperson for a 2-year term expiring on March 1 of the
2 odd-numbered year.

NOTE: There are no other paragraphs in s. 15.06 (2). Eliminates an obsolete transition provision.

***NOTE: See my change to NOTE. CJS

3 **SECTION 52.** 15.135 (4) (b) (intro.) of the statutes is amended to read:

4 15.135 (4) (b) *Members.* (intro.) The board consists of all of the following
5 members:

NOTE: Conforms form of introductory provision to current style.

6 **SECTION 53.** 15.135 (4) (b) 1. of the statutes is amended to read:

7 15.135 (4) (b) 1. The secretaries of administration, of natural resources, and of
8 agriculture, trade and consumer protection or their designees;

NOTE: Corrects punctuation.

9 **SECTION 54.** 15.135 (4) (b) 2. of the statutes is amended to read:

10 15.135 (4) (b) 2. Three members of county land conservation committees
11 designated biennially by the county land conservation committees at their annual
12 meeting in even-numbered years, appointed for 2-year terms; and.

NOTE: Corrects punctuation.

13 **SECTION 55.** 15.435 (1) (a) 3. of the statutes is amended to read:

14 15.435 (1) (a) 3. Five local officials consisting of 2 municipal officials, 2 county
15 officials, and one school board member; and.

NOTE: Corrects punctuation.

****NOTE: Why haven't subdivisions 1. and 2. also been treated to correct punctuation? CJS

16 **SECTION 56.** 16.42 (1) (a) of the statutes is amended to read:

17 16.42 (1) (a) A clear statement of the purpose or goal for each program or
18 subprogram;

NOTE: Corrects punctuation.

STET:
leave
as
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INS 2

1 **SECTION 57.** 16.42 (1) (b) of the statutes is amended to read:

2 16.42 (1) (b) Clear statements of specific objectives to be accomplished and, as
3 appropriate, the performance measures used by the agency to assess progress
4 toward achievement of these objectives;.

NOTE: Corrects punctuation.

5 **SECTION 58.** 16.42 (1) (c) of the statutes is amended to read:

6 16.42 (1) (c) Proposed plans to implement the objectives and the estimated
7 resources needed to carry out the proposed plans;.

NOTE: Corrects punctuation.

8 **SECTION 59.** 16.42 (1) (d) of the statutes is amended to read:

9 16.42 (1) (d) A statement of legislation required to implement proposed
10 programmatic and financial plans; and.

NOTE: Corrects punctuation.

11 **SECTION 60.** 16.50 (3) of the statutes is renumbered 16.50 (3) (a) and amended
12 to read:

13 16.50 (3) (a) No department, except the legislature or the courts, may increase
14 the pay of any employee, expend money, or incur any obligation except in accordance
15 with the estimate that is submitted to the secretary as provided in sub. (1) and
16 approved by the secretary or the governor.

17 (b) No change in the number of full-time equivalent positions authorized
18 through the biennial budget process or other legislative act may be made without the
19 approval of the joint committee on finance, except for position changes made by the
20 governor under s. 16.505 (1) (c) or (2), by the University of Wisconsin Hospitals and
21 Clinics Board under s. 16.505 (2n), or by the board of regents of the University of
22 Wisconsin System under s. 16.505 (2m) or (2p).

1 (c) The secretary may withhold, in total or in part, the funding for any position,
2 as defined in s. 230.03 (11), as well as the funding for part-time or limited term
3 employees until such time as the secretary determines that the filling of the position
4 or the expending of funds is consistent with s. 16.505 and with the intent of the
5 legislature as established by law or in budget determinations, or the intent of the
6 joint committee on finance in creating or abolishing positions under s. 13.10, the
7 intent of the governor in creating or abolishing positions under s. 16.505 (1) (c) or (2),
8 or the intent of the board of regents of the University of Wisconsin System in creating
9 or abolishing positions under s. 16.505 (2m) or (2p). Until the release of funding
10 occurs, recruitment or certification for the position may not be undertaken.

11 (d) The secretary shall submit a quarterly report to the joint committee on
12 finance of any position changes made by the governor under s. 16.505 (1) (c).

13 (e) No pay increase may be approved unless it is at the rate or within the pay
14 ranges prescribed in the compensation plan or as provided in a collective bargaining
15 agreement under subch. V of ch. 111.

16 (f) At the request of the director of the office of state employment relations, the
17 secretary of administration may authorize the temporary creation of pool or surplus
18 positions under any source of funds if the director determines that temporary
19 positions are necessary to maintain adequate staffing levels for high turnover
20 classifications, in anticipation of attrition, to fill positions for which recruitment is
21 difficult. Surplus or pool positions authorized by the secretary shall be reported
22 quarterly to the joint committee on finance in conjunction with the report required
23 under s. 16.54 (8).

NOTE: Subdivides long provision to improve readability.

****NOTE: I made a change in the text of par. (f) to reflect the text of current law.

CJS

1 **SECTION 61.** 16.513 (3) of the statutes is renumbered 16.513 (3) (a) and amended
2 to read:

3 16.513 (3) (a) If there are insufficient moneys, assets, or accounts receivable,
4 as determined under s. 20.903 (2), that are projected by an agency or projected by the
5 department under s. 16.40 (7) to cover anticipated expenditures under a program
6 revenue appropriation or appropriation of segregated revenues from program
7 receipts, the agency shall propose and submit to the department a plan to assure that
8 there are sufficient moneys, assets, or accounts receivable to meet projected
9 expenditures under the appropriation.

10 **(b)** The department may approve, disapprove, or approve with modifications
11 each plan submitted by an agency under par. (a). If the department approves a plan,
12 or approves a plan with modifications, the department shall forward the plan to the
13 joint committee on finance. If the cochairpersons of the joint committee on finance
14 do not notify the secretary that the committee has scheduled a meeting for the
15 purpose of reviewing the proposed plan within 14 working days after the date of the
16 secretary's submittal, any portion of the plan ~~which~~ that does not require the action
17 of the legislature or the action of the committee under another law may be
18 implemented. If, within 14 working days after the date of the secretary's submittal,
19 the cochairpersons of the joint committee on finance notify the secretary that the
20 committee has scheduled a meeting for the purpose of reviewing the proposed plan,
21 no part of the plan may be implemented without the approval of the committee in
22 accordance with applicable law, or without the approval of the legislature if
23 legislative approval is required.

NOTE: Subdivides long provision to improve readability. Inserts specific references.

1 **SECTION 62.** 16.517 of the statutes is renumbered 16.517 (1) and amended to
2 read:

3 16.517 (1) No later than 30 days after the effective date of each biennial budget
4 act, the department shall provide to the joint committee on finance a report
5 indicating any initial modifications that are necessary to the appropriation levels
6 established under that act for program revenue and program revenue–service
7 appropriations as defined in s. 20.001 (2) (b) and (c) or to the number of full–time
8 equivalent positions funded from program revenue and program revenue–service
9 appropriations authorized by that act to account for any additional funding or
10 positions authorized under s. 16.505 (2) or (2m) or 16.515 in the fiscal year
11 immediately preceding the fiscal biennium of the budget that have not been included
12 in authorizations under the biennial budget act but ~~which~~ that should be included
13 as continued budget authorizations in the fiscal biennium of the budget. Such
14 modifications

15 (2) Modifications under sub. (1) shall be limited to adjustment of the
16 appropriation or position levels to the extent required to account for higher base
17 levels for the fiscal year immediately preceding the fiscal biennium of the budget due
18 to appropriation or position increases authorized under s. 16.505 (2) or (2m) or 16.515
19 during the fiscal year immediately preceding the fiscal biennium of the budget.

20 (3) If the cochairpersons of the joint committee on finance do not notify the
21 secretary that the committee has scheduled a meeting for the purpose of reviewing
22 the proposed modifications under sub. (1) within 14 working days after the date of
23 receipt of the department's report, the department may make the modifications
24 specified in the report. If, within 14 working days after the date of the department's

*LPS: before deleting this material,
look at INS 3*

- 1 report, the cochairpersons of the committee notify the secretary that the committee
2 has scheduled a meeting for the purpose of reviewing the proposed modifications, the
3 department may not make the modifications specified in the report until the
4 committee approves the report.

NOTE: Subdivides long provision and inserts cross-references for improved readability.

- 5 **SECTION 63.** 16.85 (intro.) of the statutes is renumbered 16.85 (1g) (intro.) and
6 amended to read:

- 7 **16.85 Department of administration; powers, duties. (1g) (intro.)** The
8 department of administration shall exercise the powers and duties prescribed by ss.
9 16.85 to 16.91 as follows:

NOTE: Section 16.85 (8) and (11) are stylistically different from the other subsections in s. 16.85 and cannot be amended to grammatically fit within the structure of 16.85 (intro.) and the remaining subsections. Renumbering 16.85 (intro.) and the remainder of the subsections eliminates the grammatical and stylistic conflicts between subs. (8) and (11) and the remainder of the section. See also the next 4 sections of this bill.

****NOTE: JTK recommends deleting bill SECTIONS 62 to 71 (as numbered in the rough draft) and substituting the following:

SECTION 62. 16.85 (8) and (11) of the statutes are renumbered 16.8511 (1) and (2).

SECTION 63. 16.8511 (title) of the statutes is created to read:

16.8511 (title) Secretary of administration; powers, duties.

Note: See the previous section of this bill.
JTK explains: "The problem is with s. 16.85 (8) and (11), stats. This solution [i.e., JTK's solution] is simpler and more direct. Renumbering everything else creates an inconvenience for users and begins the subchapter in an illogical way."

****NOTE: If you adopt JTK's approach, no x-ref's will need to be adjusted, because s. 16.85 (8) and (11) are not x-ref'd anywhere.

****NOTE: I did not edit bill SECTIONS 62 to 71 (as numbered in the rough draft) yet, except to make sure that the material treated in them was related to the proposed restructuring of s. 16.85. CJS

- 10 **SECTION 64.** 16.85 (1) of the statutes is renumbered 16.85 (1g) (a) and amended
11 to read:

- 12 **16.85 (1g) (a)** To take charge of and supervise all engineering or architectural
13 services or construction work as defined in s. 16.87 performed by, or for, the state, or

any department, board, institution, commission, or officer thereof of the state, including nonprofit-sharing corporations organized for the purpose of assisting the state in the construction and acquisition of new buildings or improvements and additions to existing buildings as contemplated under ss. 13.488, 36.09 and 36.11, except as provided in sub. (1m) and except that the department shall not take charge of and supervise any of the following:

1. The engineering, architectural, and construction work of the department of transportation, ~~the~~.

2. The engineering service performed by the department of commerce, department of revenue, public service commission, department of health and family services, and other departments, boards, and commissions when the service is not related to the maintenance, and construction and planning of the physical properties of the state.

(1r) The department shall not authorize construction work for any state office facility in the city of Madison after May 11, 1990, unless the department first provides suitable space for a day care center primarily for use by children of state employees.

NOTE: Subdivides a long sentence and moves a related but separate subject to a separate subsection.

SECTION 65. 16.85 (2), (5) to (7), (10), (12) to (14), and (16) of the statutes are renumbered 16.85 (1g) (b), (e) to (g), (h), (i) to (k), and (m).

NOTE: Subsections in s. 16.85 are renumbered as paragraphs in accordance with the renumbering of s. 16.85 (intro.) by this bill.

SECTION 66. 16.85 (3) of the statutes is renumbered 16.85 (1g) (c) and amended to read:

20

21

INS 3

FIX
COMPONENT

④****NOTE: It might be better to restore "such" and the comma preceding "in letting". As currently written, it is clear that "in letting" qualifies the verbs

1 16.85 (1) (c) To act and assist any department, board, commission, or officer
 2 requesting such cooperation and assistance, in letting contracts for engineering or
 3 architectural work authorized by law and in supervising the work done thereunder;
 4 under the contracts so let. material circled in green stays

NOTE: Corrects punctuation. Replaces disfavored terms and inserts a specific reference. Subsections in s. 16.85 are renumbered as paragraphs in accordance with the renumbering of s. 16.85 (intro.) by this bill.

5 SECTION 67. 16.85 (4) of the statutes is renumbered 16.85 (1g) (d) and amended
 6 to read:

7 16.85 (1g) (d) To approve the appointment of a chief operating engineer for each
 8 state-owned or operated heating, cooling, or power plant and pumping station, to
 9 provide for the methods of operating the plants and stations and to design records
 10 and forms for reporting accurately the cost per unit of product or service. The
 11 superintendent or other person having charge of each plant or station shall not only
 12 report to the agency which operates the plant or station but to the secretary in the
 13 manner and at such times as the secretary determines. In this subsection, "agency"
 14 has the meaning given under sub. (2) par. (d).

NOTE: Subsections in s. 16.85 are renumbered as paragraphs in accordance with the renumbering of s. 16.85 (intro.) by this bill.

15 SECTION 68. 16.85 (15) of the statutes is renumbered 16.85 (1g) (L) and
 16 amended to read:

17 16.85 (1g) (L) Provide To provide or contract for the provision of professional
 18 engineering, architectural, project management, and other building construction
 19 services on behalf of school districts for the installation or maintenance of electrical
 20 and computer network wiring. The department shall assess fees for services
 21 provided under this subsection and shall credit all revenues received to the
 22 appropriation account under s. 20.505 (1) (im).

"act and assist". As amended, however, "in letting" seems to qualify "cooperation and assistance". Also, I think a more exact "translation" of "thereunder" in this sentence would be "under such contracts" or "so let" is more specific than "thereunder". CJS

NOTE: Conforms the form of this provision with the remainder of s. 16.85 (1), as renumbered by this bill. Subsections in s. 16.85 are renumbered as paragraphs in accordance with the renumbering of s. 16.85 (intro.) by this bill.

1 **SECTION 69.** 16.88 of the statutes is amended to read:

2 **16.88 Charges against projects.** The cost of services furnished pursuant to
3 s. 16.85 (2) to (4), (6) and (7) (1g) (b) to (d), (f) and (g) shall be charged to and paid out
4 of available funds for the respective projects, whenever in the judgment of the
5 secretary the charges are warranted and the cost of the services can be ascertained
6 with reasonable accuracy.

NOTE: Section 16.85 (2) to (7) are renumbered s. 16.85 (1g) (b) to (g) by this bill.

7 **SECTION 70.** 16.895 (2) (h) of the statutes is amended to read:

8 16.895 (2) (h) Periodically assess to agencies their proportionate cost of the
9 expenses incurred by the department under this subsection and ss. 16.85 (4) (1g) (d),
10 16.90, 16.91 and 16.92 in accordance with a method of apportionment determined by
11 the department.

NOTE: Section 16.85 (4) is renumbered s. 16.85 (1g)(d) by this bill.

12 **SECTION 71.** 16.995 (2) of the statutes is amended to read:

13 16.995 (2) FINANCIAL ASSISTANCE APPLICATIONS, TERMS, AND CONDITIONS. The
14 department shall establish application procedures for, and the terms and conditions
15 of, financial assistance under this section. The department shall make a loan to a
16 school district or public library board, or to a municipality on behalf of a public library
17 board, in an amount equal to 50% of the total amount of financial assistance for which
18 the department determines the school district or public library board is eligible and
19 provide a grant to the school district or public library board for the remainder of the
20 total. The terms and conditions of any financial assistance under this section may
21 include the provision of professional building construction services under s. 16.85
22 (15) (1g) (L). The department shall determine the interest rate on loans under this

1 section. The interest rate shall be as low as possible but shall be sufficient to fully
2 pay all interest expenses incurred by the state in making the loans and to provide
3 reserves that are reasonably expected to be required in the judgment of the
4 department to ensure against losses arising from delinquency and default in the
5 repayment of the loans. The term of a loan under this section may not exceed 10
6 years.

NOTE: Section 16.85 (15) is renumbered s. 16.85 (1g) (L) by this bill.

7 **SECTION 72.** 20.505 (1) (im) of the statutes is amended to read:

8 20.505 (1) (im) *Services to nonstate governmental units; entity contract.* The
9 amounts in the schedule to provide services and to repurchase inventory items that
10 are provided primarily to purchasers other than state agencies, to transfer to the
11 appropriation account under par. (kc) the amounts received from school districts
12 under s. 16.85 (15) (1g) (L), and to contract with an entity under s. 153.05 (2m) (a).
13 All moneys received from the sale of services, other than services provided under par.
14 (is), and inventory items which are provided primarily to purchasers other than state
15 agencies shall be credited to this appropriation account.

NOTE: Section 16.85 (15) is renumbered 16.85 (1g) (L) by this bill.

16 **SECTION 73.** 21.75 (9) of the statutes is amended to read:

17 21.75 (9) STATUTES OF LIMITATIONS. The period of active state service may not
18 **INS** be included in computing any period for the bringing of any action or proceeding in
19 **Q** any court or before any public agency, as defined in s. 36.54 (2) (a) 2., by or against
20 a person in active state service or by or against his or her heirs, executors,
21 administrators personal representatives, or assigns, whether the cause of action or
22 proceeding or the right to bring the action or proceeding accrued before or during the
23 period of active state service.

Ⓢ *** NOTE: Do you want to restore the change
you made to s. 16.85(15) in the original version
"To provide" in place of "Provide"? CJS
m-dash

NOTE: Replaces “executors” and “administrators” consistent with 2001 Wis. Act 102.

SECTION 74. 23.25 (1) of the statutes is amended to read:

23.25 (1) The department shall do all of the following:

(a) Determine the correct and most appropriate names of the lakes, streams, places, and other geographic features in the state, and the spelling thereof; of those names.

(b) Pass upon and give names to lakes, streams, places, and other geographic features in the state for which no single generally accepted name has been in use;

(c) In cooperation with county boards and with their approval, change the names of lakes, streams, places, and other geographic features ~~with the end in view of eliminating in order to eliminate~~, as far as possible, duplication of names within the state;

(d) Prepare and publish an official state dictionary of geographic names and publish the ~~same~~ dictionary, either as a completed whole, or in parts, when ready;

(e) Serve as the state representative of the U.S. geographic board and cooperate with the ~~said U.S. geographic board to the end so~~ that there shall be no conflict between the state and federal designations of geographic features in the state.

NOTE: Corrects punctuation and replaces disfavored terminology for improved readability and conformity with current style.

SECTION 75. 24.05 of the statutes is amended to read:

24.05 Survey of lands. Whenever it ~~shall appear~~ appears necessary to the board ~~necessary~~ that surveys should be made in order to ascertain the true boundaries of any tract or portion of the public lands, or to enable ~~it~~ the board to describe and dispose of ~~the same~~ any tract or portion of the public lands in suitable and convenient lots, ~~it~~ the board may cause all ~~such~~ necessary surveys to be made.

NOTE: Conforms verb to current style and inserts specific references.

****NOTE: See my change to NOTE. "Shall appear" is not a passive construction. CJS

1 **SECTION 76.** 24.06 of the statutes is amended to read:

2 **24.06 Plat of lands.** The board may subdivide any parcel of public lands into
3 smaller parcels or village lots, with streets and alleys if necessary, whenever it
4 believes a larger net price can be obtained by selling the land in ~~such~~ smaller parcels
5 or lots. A survey and plat of ~~such~~ the subdivision, verified by its maker as true and
6 correct, shall be returned and recorded in the office of the board, and the parcels or
7 lots designated ~~thereon~~ on the survey and plat shall be appraised before ~~they~~ the
8 parcels or lots are offered for sale. ~~Such~~ The subdivision shall be ordered, the
9 proceedings ~~therefor~~ for the subdivision governed, and ~~such~~ the appraisal made in
10 substantial ~~accord~~ compliance with s. 24.08.

NOTE: Replaces disfavored terms and inserts specific references.

11 **SECTION 77.** 24.09 (1) (b) of the statutes is amended to read:

12 **24.09 (1) (b)** Lands required for federal, state, county, city, village, town, or
13 school district use may be sold at the appraised value to, or exchanged for land of
14 approximately equivalent value with, the federal government, other state
15 departments, boards or commissions, counties, cities, villages, towns, or school
16 districts.

NOTE: Inserts commas for improved readability.

17 **SECTION 78.** 24.11 (2) of the statutes is amended to read:

18 **24.11 (2) PURCHASER TO PAY TAXES.** The board shall insert in every contract or
19 certificate of sale of public land a clause providing that the vendee, and the vendee's
20 heirs, ~~administrators~~ personal representatives, or assigns shall pay or cause to be
21 paid all taxes that are or that may be assessed against the land from ~~and after~~ the
22 date of the ~~said~~ contract or certificate of sale.

NOTE: Replaces “administrators” in accordance with 2001 Wis. Act 102. Deletes “and after” as redundant.

1 **SECTION 79.** 24.11 (3) of the statutes is renumbered 24.11 (3) (a) (intro.) and
2 amended to read:

3 24.11 (3) (a) (intro.) Every contract, certificate of sale, or grant hereunder of
4 public lands shall ~~reserve~~ ^{include} ~~be subject to~~ all of the following: *- does this meet PG's concern?*

5 1. The reservation to the people of the right of access to such the lands and being
6 conveyed.

7 2. The reservation to the people of the right of access to any meandered or
8 nonmeandered stream, river, pond, or lake navigable in fact for any purpose
9 whatsoever, bordered by such the lands being conveyed and all rights necessary to
10 the full enjoyment of such those waters, and of all minerals in said lands, and all
11 mining rights therein, and shall also be subject to.

12 3. The continued ownership by the state of all waterpower rights on such the
13 lands being conveyed or in any manner appurtenant thereto. ~~Such conveyance shall~~
14 ~~also be subject to a~~ to the lands being conveyed.

15 4. The reservation to the people of all minerals in the lands being conveyed, and
16 all mining rights in those minerals together with a continuing easement in the state
17 and its assigns to enter and occupy such the lands being conveyed in any manner
18 necessary and convenient to the removal of ~~such mineral~~ minerals from such the
19 lands being conveyed and to the proper exercise of such the reserved mineral rights,
20 ~~and shall be further subject to the.~~

21 5. A continuing easement in the state and its assigns to enter and occupy such
22 the lands being conveyed in any manner necessary and convenient to the

1 development, maintenance, and use of any such water rights reserved under this
2 paragraph.

3 (b) Nothing contained in this section par. (a) shall be construed to provide for
4 the continued ownership in the state of any stone used for building purposes, nor of
5 any sand or gravel.

NOTE: Subdivides provision, reorders text, and inserts specific references.

****NOTE: I made a change to your NOTE. CJS

****NOTE: Bruce, I'd be hesitant to modify this the way you have. Current language seems to require that each contract include a provision reserving to the people the right of access, etc. Your modification appears to eliminate that requirement. PG

****NOTE: See my technical changes. CJS

6 SECTION 80. 24.11 (4) of the statutes is amended to read:

7 24.11 (4) SPECIAL TERMS FOR ESCHEATED LANDS. Upon the sale of any escheated
8 lands the entire purchase price shall be paid at the time of the sale; ~~whereupon the~~.
9 The board shall then execute and deliver to the purchaser a quitclaim deed of
10 conveyance ~~which shall vest~~ that vests in the grantee all the right, title, and interest
11 of the state in or to the land, and every right of action ~~which~~ that the state has
12 respecting the ~~same; but no~~ land. No covenant or warranty of title, ~~or~~ of continued
13 enjoyment, or against encumbrances, shall be expressed in or implied from ~~such~~ the
14 quitclaim deed or any words ~~therein~~ in the quitclaim deed. If by virtue of a better
15 title ~~a recovery of such land be had by~~, any other person or party recovers the land
16 within 20 years after ~~such~~ a purchase under this subsection, the state shall refund
17 to the purchaser, or to the purchaser's assigns or legal representatives, the amount
18 paid by the purchaser for the land, together with interest ~~thereon~~ on the amount paid
19 by the purchaser at the rate of 6% per year from the date of the purchase until the
20 date of recovery, and also the amount of all taxes on the land actually paid by the

1 purchaser with like interest on each payment from the time of payment to the date
2 of the recovery.

NOTE: Divides long sentence, replaces the passive voice with the active, and inserts specific references for improved readability and conformity with current style.

****NOTE: See my technical changes. I added a comma at line 4 of the rough draft to close off the comma at line 2. Peter Grant changed "or to" to plain text on page 39 of the rough draft, because it may not be redundant of "in." I modified the note to reflect that change. I adjusted "quit claim" consistent with the spelling elsewhere in this statute and in the statutes generally. CJS

3 SECTION 81. 24.12 of the statutes is amended to read:

4 24.12 Forfeit for failure to pay. Every purchaser of any lot or tract at any
5 sale as aforesaid subject to s. 24.11 shall pay at the time of sale as required by s. 24.11
6 (2) the amount of the purchase money required by the terms of sale to be paid ^{as provided in s. 24.11(1)} in hand
7 immediately after having bid off the same; and if cash. If the purchaser shall refuse
8 or neglect refuses or neglects to so pay, the lot or tract so bid off by the purchaser shall
9 again be offered for sale; and the. The purchaser shall, for such refusal or neglect
10 refusing or neglecting to pay, forfeit \$25 for each lot or tract so bid off by the
11 purchaser, which the board shall, in the name of the state, cause to be immediately
12 sued for and collected, and, when collected, paid into the school fund.

NOTE: Divides long sentence, inserts specific references, and replaces the passive voice with the active.

****NOTE: I added a comma at line 16 of the rough draft to set off the proposed comma after "collected." CJS

****NOTE TO REVIEWING ATTORNEY: Consider the following and let us know if you agree. The phrase "in hand" is changed to "in cash" based on the following logic:

1. "in hand" is a vague term.

2. 24.11 (1) (a) provides that "public lands may be sold for cash to be paid at the time of the sale or according to the terms specified under par. (b)." Par. (b) provides The first payment shall be not less than 15% of the purchase price, and shall be made at the time of the sale together with interest on the deferred payments in advance to February 1 of the following year. Thus there is required a cash payment of at least 15% at the time of sale.

****NOTE: Instead of "in cash", I'd say "to be paid as provided in s. 24.11 (1)". Also, I don't understand the reference to s. 24.11 (2), which deals only with the payment of taxes. PG

**** NOTE: In the first sentence, would it be better to say simply "under s. 24.11" instead of "subject to s. 24.11"? Also in the last sentence, did you intend to leave "so bid" as is—in the second to last sentence, you changed "so bid" to "bid". CJS

1 **SECTION 82.** 24.14 of the statutes is renumbered 24.14 (1) and amended to read:

2 ~~24.14 (1) Any person who has purchased from the United States or entered any~~
3 ~~of the~~ In this section, “subject lands” means lands patented to this state as swamp
4 and overflowed lands, or lands patented in lieu of such swamp and overflowed lands,

5 (2) Any person who has purchased from the United States or entered any
6 subject lands prior to the execution of ~~such~~ Unites States patents to this state for the
7 subject lands, may whenever ~~such~~ those entries have been canceled by the United
8 States on account of a conflict with the right and title of this state to ~~such~~ the subject
9 lands, purchase the subject lands from this state, prior to the date fixed for the public
10 sale thereof, ~~such lands so purchased or entered from the United States of the subject~~
11 lands, upon making satisfactory proof to the board that ~~such~~ the person is the
12 identical person, or the heir, legal representative, or assign of the person, who
13 purchased or entered ~~such~~ the subject lands as ~~aforesaid~~ provided in this subsection,
14 and upon paying to this state for ~~such~~ the subject lands the same price at which ~~such~~
15 the purchase or entries were made from the United States; ~~but nothing.~~ Nothing
16 contained in this chapter ~~shall impair~~ impairs the rights acquired by any person who
17 has preempted any ~~such~~ subject lands under the laws of this state.

NOTE: Subdivides section, inserts definition, replaces disfavored terms, and deletes unnecessary verbiage.

18 **SECTION 83.** 24.145 of the statutes is renumbered 24.145 (1) and amended to
19 read:

20 24.145 (1) It is declared that none of the swamp and overflowed lands
21 ~~heretofore~~ granted to this state pursuant to an act of congress entitled “An Act to
22 enable the state of Arkansas and other states to reclaim the swamp lands within
23 their limits”, approved September 28, 1850, and the proceeds derived from the sale

1 thereof, of those lands which that have not heretofore been actually applied for
2 reclamation of such those lands, are necessary for the purpose of reclaiming any such
3 swamp and overflowed lands by construction of levees and drains or otherwise.

4 (2) All such swamp and overflowed lands described in sub. (1) and the proceeds
5 derived from the sale thereof of those lands including those placed and being in the
6 drainage fund pursuant to chapter 537, laws of 1865, which that have not been
7 actually applied for the purpose of reclaiming such those lands, shall be ~~and they are~~
8 made a part of the normal school fund. This section ~~shall be controlling~~ controls over
9 any inconsistent act or statute.

NOTE: Subdivides section, replaces disfavored terms, and deletes unnecessary verbiage.

***NOTE: See my change to NOTE. No instance of the passive voice has been replaced. CJS

10 SECTION 84. 24.15 of the statutes is amended to read:

11 **24.15 Private sale.** All public lands, including forfeited lands and mortgaged
12 *plain* lands bid in by the state, which ~~shall~~ have once been offered or reoffered at public sale
13 and remain unsold, shall be subject to private sale at the minimum price fixed
14 therefor for the sale of the land by law to the person first making application ~~therefor~~
15 for the purchase of the lands, if the person ~~forthwith~~ immediately complies with the
16 term of sale; ~~but if~~. If 2 or more persons ~~shall~~ apply at the same time to purchase ~~any~~
17 ~~of such the same~~ lands under this section, the ~~same~~ lands shall be offered to the
18 highest bidder, and the applicant who will pay the highest price shall be the
19 purchaser.

NOTE: Replaces disfavored terminology with specific references.

9
***NOTE: See changes by PG. In the originally proposed version, I don't understand why the comma before "which shall have once been offered" has been struck out. In PG's version, I don't understand why the comma before "shall be subject to private sale" has been stuck out. CJS

Let's keep all the commas. I don't think we should change anything unintentionally.

1 **SECTION 85.** 24.16 of the statutes is renumbered 24.16 (intro.) and amended to
2 read:

3 **24.16 Applications for private sale.** (intro.) Every person making
4 application under s. 24.15 for the purchase at private sale of any ~~such~~ public lands
5 shall file in the office of the board an application in writing, describing the lot or tract
6 ~~which that~~ that the person proposes to purchase by the proper number of the section,
7 township and range, and the subdivision of the section, with the person's name
8 subscribed ~~thereto~~ to the application. The board shall, if the land applied for may
9 then be sold, ~~enter~~ do all of the following:

10 (1) Enter on books kept for that purpose a note of ~~such~~ the application,
11 specifying the day when made, the name of the applicant, and the description of the
12 land applied for, ~~and shall also give~~.

13 (2) Give to such the applicant a memorandum signed by the executive secretary
14 of the board, stating ~~such the~~ the application ~~and~~, describing the lot or tract applied for,
15 and stating the price at which the ~~same~~ lot or tract may be sold and the amount to
16 be paid at the time of the sale, ~~which memorandum shall be signed by the executive~~
17 ~~secretary of the board~~.

NOTE: Subdivides provision, reorders text, and replaces disfavored terminology
with specific references.

18 **SECTION 86.** 24.17 (1) of the statutes is amended to read:

19 24.17 (1) When the purchaser of any ~~such~~ public lands ~~shall make~~ makes
20 payment to the secretary of administration of the amount required to be paid on ~~such~~
21 the sale, and, in case of a private sale, ~~shall also produce~~ produces the memorandum
22 ~~mentioned~~ described in s. 24.16, the secretary of administration shall give a receipt
23 ~~therefor to such the purchaser for the amount paid~~, and, unless ~~such the~~ the sale be made

1 is wholly for cash, the board shall execute and deliver to such person the purchaser
2 a duplicate certificate of sale, in which it the board shall certify all of the following:

****NOTE: I added a comma at line 20 of rough draft to offset proposed comma at line 21 after "cash". CJS

3 (a) The description of the land sold;

4 (b) The sum paid and the amount remaining due ~~thereon~~;

5 (c) The times, place, and terms of payments;

6 (d) That if ~~such~~ the payments shall be ~~duly~~ are made in accordance with the
7 terms stated in the certificate of sale, the purchaser, or the purchaser's assigns or
8 other legal representatives, shall be entitled to a patent for ~~such~~ the land;

9 (e) ~~And that~~ That in case of the nonpayment into the state treasury of any of
10 the following, the certificate of sale from the time of the nonpayment shall be void
11 and the board may take possession of and resell the land described in the certificate:

12 1. The purchase money as it shall become becomes due, or of the.

13 2. The interest ~~thereon~~ on the purchase money by the first day of February in
14 each year or on or before the ^{next following June} June 30th thereafter, or of any.

****NOTE: I think it should say "the next following June 30" or the like, since there are numerous June 30's that fall "thereafter". CJS

15 3. Any taxes lawfully assessed ~~thereon~~ on the lands described in the certificate
16 and then remaining unpaid by the purchaser or purchasers or by any person
17 claiming under the purchaser or purchasers, ~~then that the said certificate from the~~
18 ~~time of such failure shall be utterly void and of no effect, and that the board may take~~
19 ~~possession of the land described in such certificate and resell the same.~~

****NOTE: Do you want to add a revisor's note here? CJS

Current style, ~~red text~~ deletes unnecessary verbiage, inserts preferred verbiage, ~~inserts~~ ^{specific references}

SECTION 87. 24.17 (2) of the statutes is amended to read:

places alist in outline form, and
reorders text for more logical
placement.

Use
Note: std

20

1 24.17 (2) When the sale ^{of public lands under sub. (1)} is wholly for cash, upon payment as ^{of the full purchase price} above provided to
2 the secretary of administration, the secretary of administration shall thereupon
3 immediately give to ~~such~~ the purchaser a receipt stating the amount paid and giving,
4 a description of the lot or tract of land sold, and that such the purchaser is entitled
5 to receive a patent according to law.

NOTE: Inserts specific reference, corrects punctuation, and deletes unnecessary verbiage.

****NOTE: "Upon payment to the secretary of state" is vague. Payment of what? For what? Must the purchaser pay some kind of fee in order to receive a receipt of the purchase? CJS

6 **SECTION 88.** 24.18 of the statutes is amended to read:

7 **24.18 Entry of sale and patent.** When any sale of public lands is made, the
8 board shall make a note ~~thereof~~ of the sale in the book of entries, ~~and shall enter~~
9 ~~therein, entering~~ the day of sale, the name of the purchaser, the number of the
10 certificate or patent, the sum paid, the amount of purchase money unpaid, if any, and
11 a description of the lot or tract sold. If ~~such~~ the sale ~~be made~~ is wholly for cash it,
12 the board shall ~~thereupon~~ immediately execute and deliver to the purchaser a patent
13 for ~~such~~ the lot or tract of land so sold. If the land is sold at public auction it, the board
14 shall note that fact.

NOTE: Inserts specific reference, corrects punctuation, and replaces disfavored terminology.

15 **SECTION 89.** 24.19 of the statutes is amended to read:

16 **24.19 Certificate of sale.** All original and duplicate certificates of sale issued
17 under s. 24.17 shall be properly numbered, and the original shall be filed in the office
18 of the board, ~~and as.~~ As many distinct lots or tracts of land hereafter purchased by
19 one person in one section at the same time as that person ~~shall request~~ requests shall
20 be included in one certificate or one patent, as the case may be. ~~All certificates~~
21 Certificates of sale may be acknowledged and recorded in the same manner that as

*** Note: I checked with PG about this section, to "make sure that "full purchase price" was OK ~~with~~ with him (it was), and he asked if, in addition, the end of the sentence could be amended, like this:

no 9 "stating the amount paid and giving a description of the lot or tract of land sold, and stating that ~~such~~ the purchaser is entitled...". PG thought that "stating a description"

to have clauses
jarring effect
CJS
rather than "giving" it sounded funny and that it was jarring to have "amount" and nouns (like "amount") and nouns (like "amount") at the same time (this jarring effect is present in the current law version of the statute). CJS

1 deeds ~~may be. They.~~ Certificates of sale may also be assigned in writing, ~~which.~~ The
2 assignment may be acknowledged and recorded in ~~like the same~~ manner as deeds,
3 and the ~~person to whom the same shall be legally assigned~~ assignee shall have the
4 same rights and remedies ~~thereupon~~ under the certificate as the original purchaser
5 would have had.

NOTE: Inserts specific reference, corrects punctuation, and deletes unnecessary verbiage.

****NOTE: See my changes. I added an x-ref to s. 24.17, following what was done on page 49, line 5, of the rough draft. CJS

6 **SECTION 90.** 24.20 of the statutes is amended to read:

7 **24.20 Payments and accounts.** All money paid on account of sales of public
8 lands shall be paid to the secretary of administration who shall credit the proper fund
9 ~~therewith~~ with the amount paid, crediting the general fund with the proceeds of sales
10 of Marathon County lands, ~~and the.~~ The secretary of administration or the
11 secretary's designee, upon countersigning the receipt given ~~therefor~~ for the amount
12 paid, shall enter the name of the person ~~paying the same~~ making the payment, the
13 number of the certificate, if any, upon which the amount shall be paid, and the time
14 of the payment.

NOTE: Divides long sentence, inserts specific references, corrects punctuation, and deletes unnecessary verbiage.

****NOTE: I added a serial comma on line 7 of the rough draft. This comma is present in the current law version of s. 24.20. CJS

15 **SECTION 91.** 24.21 of the statutes is amended to read:

16 **24.21 Accounts with purchasers.** The board shall open and keep an account
17 with each purchaser for every lot or tract of land that ~~shall be~~ is sold, either at public
18 or private sale, in books kept for that purpose, in which ~~it~~ the board shall charge the
19 purchaser with the whole purchase money and give the purchaser credit for all the
20 purchaser's payments, making proper charges for interest as ~~the same shall become~~

1 ~~it becomes~~ due, and for all taxes returned to it as unpaid by the proper officer; and
2 ~~upon.~~ Upon all payments being completed and the patent issued the account shall
3 be balanced.

NOTE: Divides long sentence and inserts specific references.

4 **SECTION 92.** 24.22 of the statutes is renumbered 24.22 (1) and amended to read:

5 24.22 (1) Whenever full payment of the principal due upon any certificate of
6 sale by the state shall be is made subsequent to the payment of the annual interest
7 ~~thereon on the principal~~, the excess of the interest so paid shall be refunded to the
8 person entitled ~~thereto~~ to the excess payment, from the proper fund, on the warrant
9 of the department of administration; ~~and in case.~~

10 (2) In the event of the double or erroneous payment of interest, charges, or
11 taxes on any certificate of sale or loan by the state, the amount so erroneously paid
12 shall be ~~in like manner~~ refunded in the same manner as excess interest payments
13 under sub. (1).

NOTE: Divides long sentence, and inserts specific references.

***NOTE: See my change to NOTE. No instance of the passive voice has been replaced. CJS

14 **SECTION 93.** 24.23 of the statutes is amended to read:

15 **24.23 Title; patents.** The title and fee of all public lands shall remain in the
16 state until patents ~~shall issue for the same; and no such~~ for the land are issued. No
17 patent shall ~~issue~~ be issued except upon full payment of the purchase money and
18 interest and all taxes returned and lawful charges ~~thereon~~ on the lands being
19 purchased.

NOTE: Divides long sentence and inserts specific references.

***NOTE: See my change to NOTE. No instance of the passive voice has been replaced. CJS

20 **SECTION 94.** 24.24 of the statutes is amended to read:

1 **24.24 Effect of certificate.** (1) ~~The~~ Except when voided by forfeiture under
2 s. 24.28, a certificate of sale, issued pursuant to under s. 24.17, until the same
3 ~~becomes void by forfeiture under s. 24.28, shall entitle~~ entitles the purchaser, or the
4 purchaser's heirs or assigns, to all the rents, benefits, and provisions of any lease
5 existing ~~thereon~~ on the lands described in the certificate at the time of ~~such~~ the land
6 purchase and thereafter accruing, ~~and shall be~~ after the purchase. The certificate
7 of sale is sufficient evidence of title, and ~~shall vest~~ vests in the purchaser, or the
8 purchaser's heirs and assigns, the same rights of possession, enjoyment, descent,
9 transmission, and alienation of the lands ~~therein described, in the certificate~~ and the
10 same remedies for the protection of ~~said~~ those rights, ~~as against all persons, except~~
11 the state, that the purchaser would possess if the purchaser were the owner ~~thereof~~
12 in fee of the described lands.

13 (2) ~~No such~~ Notwithstanding sub. (1), a certificate shall of sale does not confer
14 the right to cut down, destroy ~~or~~, dig up, or carry off any standing wood or timber, or
15 any mineral, located on the lands described in the certificate without the written
16 consent of ~~said~~ the board, except that ~~such wood~~ as follows:

17 (a) Wood or timber may be cut when to be used, and it shall is to be exclusively
18 used, in the erection of fences or buildings on such the described lands, or,

19 (b) Wood or timber may be cut for necessary firewood for the household use of
20 the persons actually occupying ~~the same, or~~ the described lands.

21 (c) Wood or timber may be cut when done in good faith for the actual and fair
22 improvement of ~~such land~~ the described lands for cultivation.

23 (3) ~~But~~ Notwithstanding sub. (2) (c), no such cutting of wood or timber shall
24 be deemed to have been done for the purposes of cultivation unless the entire surface
25 from which ~~such~~ the wood and timber is cut ~~shall have been~~ was at the time further